

**ZB# 99-46**

**HZ Development Partners  
(William Helmer)**

**4-3-17.13**

Prelim.?

9/27/99.

Deed - here

Filed to Sheriff 10/27/99.

Public Hearing:

Nov. 8, 1999.

Approved.

Refunded

\$394.00

#99-46 - Helmer, Wm.

Area

4-3-~~19~~ 19.13

Wilson Jones • Carbonless • 51654-NCR Duplicate • 51657N-CL Triplicate

© Wilson Jones, 1980

DATE October 23, 1999 **RECEIPT** 082210

RECEIVED FROM William L. Helmer

Address

One Hundred Fifty and 00/100 DOLLARS \$ 150.00

FOR  zoning Board #99-46

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>3673</u>
AMOUNT PAID		CHECK	<u>150.00</u>
BALANCE DUE		MONEY ORDER	

Treas Clerk

BY Dorothy H. Hansen  
os

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Helmer, William

FILE# 99-46

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 150.00

*paid ck.  
#3673*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00

*#3674  
10/22/99*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/27/99-4 \$ 18.00

2ND PRELIMINARY- PER PAGE 11/08/99-4 \$ 18.00

3RD PRELIMINARY- PER PAGE ..... \$     

PUBLIC HEARING - PER PAGE ..... \$     

PUBLIC HEARING (CONT'D) PER PAGE ..... \$     

TOTAL ..... \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 9/27/99 ..... \$ 35.00

2ND PRELIM. 11/08/99 ..... \$ 35.00

3RD PRELIM. .... \$     

PUBLIC HEARING. .... \$     

PUBLIC HEARING (CONT'D) ..... \$     

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$     

TOTAL ..... \$ 106.00

LESS ESCROW DEPOSIT ..... \$ 500.00

(ADDL. CHARGES DUE) ..... \$     

REFUND DUE TO APPLICANT. \$ 394.00

In the Matter of the Application of

**HZ DEVELOPMENT PARTNERS**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#99-46.

**WHEREAS, H-Z DEVELOPMENT PARTNERS, Wembly Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 8.56 ft. lot width variance after subdividing lots in Gateway Development on Wembly Road in a PI zone; and**

**WHEREAS, a public hearing was held on the 8th day of November, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared by Jay Cappola, real estate agent and Kerry Helmer, for this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property consisting of a vacant lot located in a commercial development neighborhood.

(b) The lot was previously approved by the Planning Board but since approval the Town Zoning Code has changed. When the lot was approved it met all the then-zoning requirements.

(c) The usable area of the lot has been diminished because the owner installed some drainage lines and a drainage easement between this lot and an adjacent lot.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 8.56 ft. lot width variance after subdividing lots in Gateway Development on Wembly Road in a PI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 05, 2000.

  
Chairman

WILLIAM F. HELMER  
27 ROUTE 210  
STONY POINT, NY 10980

3674

10/6 1999

50-7044/2219

OF Town of New Windsor

\$ 500.00

THE SUM 500 DOLS 00 CTS

DOLLARS



STONY POINT, N.Y. 10980

ZBA #99-46

William F. Helmer

⑈003674⑈ ⑆221970443⑆ 03⑈6004950⑈

WILLIAM F. HELMER  
27 ROUTE 210  
STONY POINT, NY 10980

3673

10/6 1999

50-7044/2219

THE ER OF Town of New Windsor

\$ 150.00

THE SUM 150 DOLS 00 CTS

DOLLARS



STONY POINT, N.Y. 10980

ZBA #99-46

William F. Helmer

⑈003673⑈ ⑆221970443⑆ 03⑈6004950⑈



Date \_\_\_\_\_

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO

**. DR**

**DATE**

**CLAIMED**

**ALLOWED**

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

.....  
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....  
Town of New Windsor

.....  
Nature .....  
Amount Claimed \$ .....  
Amount Allowed \$ .....  
Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....  
the within claim was audited and allowed  
for the sum of

\$ .....

.....  
Clerk

Date 11/17/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550 ..... DR.

DATE			CLAIMED	ALLOWED
11/8/99		Zoning Board Mtg	75.00	
		Misc - 2		
		Duffer's - 5		
		Boss - 10		
		Aldridge - 4		
		H-2 Development - 4		
		Maurice - 12		
		Windsor Academy - 3	180.00	
		40		
			255.00	

*Public Hearing*

H-Z DEVELOPMENT PARTNERS (HELMER)

Mr. Jay Cappolo and Ms. Helmer appeared before the board for this proposal.

MR. NUGENT: Request for 8.56 lot width variance after subdividing lots in Gateway Development on Wembly Road in PI zone. You're going to do the presentation. So there's no one in the audience other than that?

MR. CAPPOLA: I'm the agent.

MR. NUGENT: You're going to make the presentation?

MR. CAPPOLA: I will.

MR. NUGENT: Let the record show there's no one in the audience for this. You're on.

MR. CAPPOLA: Okay, we're requesting a variance for the distance at the setback on a lot that's being subdivided in the Gateway Industrial Park, was a previously approved large lot building was put on it on Wembly Road. This is the residual of the lot. The area exceeds the permissible area, but at the time the lot was developed, the setback was different I believe when it was originally developed and approved, it was taken at the building line and the setback was a hundred feet, now the setback is 50 feet. So we ended up approximately 9 feet short because of the change in the setbacks and our request is for an approval based on the eight foot, 8.56.

MR. KANE: Can you show us?

MR. NUGENT: What lot are we discussing, number 2?

MS. HELMER: Yes.

MR. CAPPOLA: That's correct, that's the gas people.

MS. BARNHART: Just for the record here on October 22, we sent out 10 addressed envelopes with the notices to adjacent property owners.

MR. TORLEY: This was a lot that was conforming to the code and you subdivided but the code has changed and now it doesn't?

MR. CAPPOLA: This is from a larger lot of 5 plus acres.

MS. HELMER: Originally subdivided, you're correct, and it was changed.

MR. TORLEY: After that?

MS. HELMER: Right, because we had to put some drainage lines between Mt. Ellis Paper that the town wanted so we lost some footage when we did that.

MR. NUGENT: Fifteen foot drainage easement?

MR. CAPPOLA: And back originally the front yard was 100 foot, now it's 50 foot.

MR. REIS: Jay, what's to the north of this lot, what's right in front?

MR. CAPPOLA: That's Scenic Techniques, Theater Technology. And then the buildings to the rear is owned by your family.

MS. HELMER: Air Products is owned by us, we lease the building out to Air Products, Mt. Ellis is on the next corner over and the rest of the land is vacant land which we own.

MR. REIS: Do you have an intended use for the property?

MR. CAPPOLA: We have an interested buyer, yes.

MR. REIS: May we ask at this time what that use is?

MR. CAPPOLA: The use is going to be for a use that will not require a variance, it's for a small distribution, he's presently in Stewart Airport and wants a building of his own.

MR. REIS: Thank you.

MR. CAPPOLA: And he wants to be near the airport.

MS. HELMER: I believe they are going to build all the way in the back of the lot.

MR. CAPPOLA: We're not going to come to the front yard.

MR. KANE: The 8.56, that's a correct number?

MR. BABCOCK: Yes.

MS. HELMER: Yes.

MR. CAPPOLA: That's correct, yeah.

MR. BABCOCK: Mr. Chairman, part of the law that changed was the definition of lot width, it's now measured at the front yard setback. The front yard setback, when this lot was created, was 100 feet and as you go back in the lot, it would get much wider. Now the front yard setback is 50 feet which pushed that out which created the lot width problem.

MR. NUGENT: Okay. I have no further questions. Anybody have any further questions?

MR. TORLEY: Absolutely inverse of the self-created hardship.

MR. CAPPOLA: Yeah.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we grant H-Z Development their requested variance.

MR. REIS: Second it.

ROLL CALL

November 8, 1999

24

MR. TORLEY

AYE

MR. KANE

AYE

MR. REIS

AYE

MR. NUGENT

AYE

Date 10/18/99, 19\_\_

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

MTB		CLAIMED		ALLOWED	
10/99	Zoning Board Mtg	75	00		
	Misc - 2				
	Aldridge - 3				
	VGA Assoc. - 5				
	Maurice - 3				
	Jennings - 6				
	Johnson - 5				
	Ryan - 4				
	TAS Assoc. - 13				
	Gateway-Industrial Park - 4	13.50	202	50	
		45			
			277	50	



GATEWAY INDUSTRIAL PARK

Mr. Jay Cappola and Ms. Carrie Helmer appeared before the board for this proposal.

MR. CAPPOLA: My name is Jay Cappola. I represent a transaction happening on Bill Helmer's land, Gateway Industrial Park, Carrie Helmer is right here and the reason to come in front of the board tonight is I hope we wouldn't be penalized for something that happened today. We were at a workshop on the 15th with Mark Edsall and Mr. Rogers and the plans were reviewed and this is a subdivision of a 2 lot, 2 acre residual piece of the Air Products property on Gateway Industrial Park. What happened was Mr. Edsall in reviewing it was quite familiar with it cause it was presented before and there was zoning changes and we request a variance for the front yard, back when this was originally submitted.

MS. HELMER: You take the measurement back from the lot so they changed that and we need a variance of 8 1/2 feet now.

MR. TORLEY: You had a previously issued variance?

MR. CAPPOLA: No, no.

MR. TORLEY: It didn't require a variance.

MR. CAPPOLA: Let me explain what happened. What happened was he wanted the drawings brought in and he got the paperwork to your office so that we would be on the agenda. On Friday, I brought in all the drawings, in fact, I saw Mike and the secretary or Myra wasn't there. Mark Edsall came in today and reviewed the drawings. Well, Myra wasn't there again today so the drawings were not in his mailbox, they were sitting on her desk, so he didn't review them. Now, without that review and referral, Pat couldn't put us on the agenda, so I don't feel that was our fault and that's why I imposed to come here and ask that we be heard.

MR. TORLEY: Are we, I'll ask our attorney this, since this is in essence in the nature of a preliminary.

I'll put quotations around preliminary hearing, they'd be requesting a public hearing, they can only get a public hearing upon a referral from some agency, the building inspector, et cetera?

MR. KRIEGER: In other words, if they had a referral, could they go right to the public hearing and consider this a preliminary, yes.

MR. TORLEY: So this is not legally required that they have such a denial before they show up here for a preliminary.

MR. KRIEGER: No, it's not, as long as it's before the public.

MR. TORLEY: I have no objection, so you have a piece of property that now requires because of the change in the zoning code required 8 1/2 foot front yard variance.

MS. HELMER: Right?

MR. CAPPOLA: There's one other aspect, just so you know it, we probably wouldn't be here if you had a meeting on what date, Pat, it's a holiday, so you wouldn't be having a meeting.

MS. BARNHART: Columbus Day.

MR. CAPPOLA: We could have waited till then but we're pushing a little too far.

MR. KANE: I have no problem.

MS. BARNHART: We don't have any referral, we don't know what you're asking for, that's the problem. You can't advertise in the paper, you can't do anything, go forward with this without that.

MR. TORLEY: Please correct me if I'm wrong, we can have a, make a request for public hearing on a front yard variance and the exact number can be filled in before you get it, it's always bugged me, we keep losing all our meetings to holidays.

MS. BARNHART: The point of it us we need something, how are you going to advertise without something, you have to have some numbers.

MR. BABCOCK: Lot width is required 150.

MS. HELMER: And we have 141.

MR. BABCOCK: They have 141.44, so they need a variance of 8.56.

MR. TORLEY: That's the only variance required for the lot.

MR. BABCOCK: Lot width definition now is measured at the building setback.

MR. TORLEY: This is the only variance required for that lot, not that there is--

MR. BABCOCK: This lot was created by the planning board and met all the conditions when it was created. I don't know whether they had a tenant at the time or try to get, now they have a tenant to build a building and the rules have changed based on the lot width, lots didn't change, lot didn't change, nothing changed that's their problem.

MR. TORLEY: All right.

MR. KANE: Looking for 8.56.

MR. TORLEY: Entertain a motion to set the applicants up for a public hearing based on 8.56.

MR. REIS: Where is this lot?

MS. HELMER: It's right next to Mt. Ellis Paper.

MR. CAPPOLA: It's backed by Air Products building.

MS. HELMER: Which we own Air Products building.

MS. BARNHART: Do you have a section, block and lot

number?

MR. BABCOCK: We'll send you the paperwork. Section 4, Block 3, lot 17.1.

MR. TORLEY: And since you're not the owners of the property, is that correct?

MR. CAPPOLA: She's the daughter of William Helmer.

MS. HELMER: I'm a, I handle all his properties.

MR. TORLEY: Then I would entertain a motion regarding this application.

MR. REIS: Make a motion that we set up the applicant for a public hearing for and the requested variance.

MR. MCDONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MS. BARNHART: Let's get some paperwork.

MR. TORLEY: Motion to adjourn?

MR. MCDONALD: So moved.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE

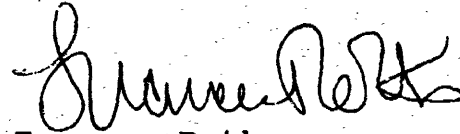
September 27, 1999

45

MR. TORLEY

AYE

Respectfully Submitted By:

A handwritten signature in dark ink, appearing to read 'Frances Roth', written in a cursive style.

Frances Roth  
Stenographer

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-46.

Date: 10/22/99

I. ✓ Applicant Information:

- (a) H2 Development Partners, Wemby Road, N.W. X  
(Name, address, and phone of Applicant) (Owner)  
(b) Idiculla, Thomas & Mariamma, 1033, 1st. St., Hanger A - N.W.  
(Name, address and phone of purchaser or lessee)  
(c) Shwaly Leonard - (H2's Atty.)  
(Name, address and phone of attorney)  
(d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance  
☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) D.2. Wemby Road. 4-3-17.13. 2.031 A +  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? None  
(c) Is a pending sale or lease subject to ZBA approval of this application? Yes  
(d) When was property purchased by present owner? 1982.  
(e) Has property been subdivided previously? Yes  
(f) Has property been subject of variance previously? Yes  
If so, when? \_\_\_\_\_  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? None  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. D.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width <u>150 ft.</u>	<u>141.44 ft.</u>	<u>8.56 ft.</u>
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THIS LOT IS FROM A PREVIOUSLY APPROVED LOT AND THE  
ZONING HAS CHANGED THE MEASUREMENT OF THE LOT  
WIDTH FROM BUILDING LINE TO SETBACK LINE. ADDITIONALLY  
SETBACK HAS BEEN REDUCED TO 50.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or





10/07/1999 10:35 914-563-4693

TOWN OF NEW WINDSOR

PAGE 01

## P R O X Y A F F I D A V I T

SUBMISSION OF APPLICATION FOR VARIANCE # 99-46

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

COUNTY OF Rockland ) SS.:  
~~ORANGE~~

William F. Helmer, deposes and says:  
I am the OWNER of a certain parcel of land within the TOWN OF NEW  
WINDSOR designated as tax map SECTION 4 BLOCK 3  
LOT 17.1. I HEREBY AUTHORIZE Julius Cappola  
of RE/MAX Commercial (company name) to make an  
application before the ZONING BOARD OF APPEALS as described in  
the within application.

Dated: Oct 19, 1999.

William F. Helmer  
(Signature of Owner)

Sworn to before me this

19<sup>th</sup> day of Oct, 1999.

Sharon L. Heller  
Notary Public

SHARON L. HELLER  
NOTARY PUBLIC, State of New York  
No. 4842849  
Qualified in Rockland County  
Commission Expires 9-30-01

(ZBA DISK#1-060895.PXY)

#99-46

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 91-16

DATE: 9-28-99

APPLICANT: WILLIAM HELMER  
GREY BEECH LANE  
PAMONA, NY. 10970

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

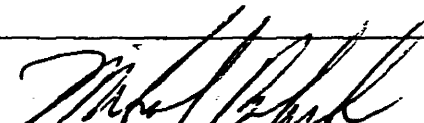
FOR (SUBDIVISION - SITE PLAN) \_\_\_\_\_

LOCATED AT WEMBLEY ROAD \_\_\_\_\_

ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 3 LOT: 17.13

IS DISAPPROVED ON THE FOLLOWING GROUNDS: MIN LOT WIDTH

  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>PI</u>	USE _____		
MIN. LOT AREA	_____	_____	_____
MIN. LOT WIDTH	<u>150 FT</u>	<u>141.44 FT</u>	<u>8.56 FT</u>
REQ'D FRONT YD	_____	_____	_____
REQ'D SIDE YD.	_____	_____	_____
REQ'D TOTAL SIDE YD.	_____	_____	_____
REQ'D REAR YD.	_____	_____	_____
REQ'D FRONTAGE	_____	_____	_____
MAX. BLDG. HT.	_____	_____	_____
FLOOR AREA RATIO	_____	_____	_____
MIN. LIVABLE AREA	_____	_____	_____
DEV. COVERAGE	_____ %	_____ %	_____ %
O/S PARKING SPACES	_____	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

Pls. publish asap. Send bill to: Wm. Helmer  
27 Rt. 210, Stony Pt., N.Y. 10980.

**PUBLIC NOTICE OF HEARING**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 46

Request of H-Z Development Partners

for a VARIANCE of the Zoning Local Law to Permit:

Subdivision of lots which creates one lot w/  
insufficient lot width;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Col.D.

for property situated as follows:

Wembly Road, Gateway Development, New Windsor

known and designated as tax map Section 4, Blk. 3 Lot 17.13

PUBLIC HEARING will take place on the 8<sup>th</sup> day of November, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.  
Chairman

By: Patricia A. Barnhart, Secy.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

H-Z Development (Helmer)  
99-46  
#44  
Applicant.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**

**) SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Oct. 22, 1999, I compared the 10 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
\_\_\_ day of \_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

October 6, 1999

Julius C. Coppola  
100 Commerce Drive, Suite 105  
New Windsor, New York 12553

Re: Tax Map Parcel #4-3-17.13 (Owner William Helmer)

Dear Mr. Coppola:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, minus your deposit of \$25.00. There is no further balance due.

Sincerely,

LESLIE COOK  
Sole Assessor

/ld

CC: Pat Barnhart/ZBA

Warren Sloan Jr.  
P.O. Box 4545  
New Windsor, New York 12553

Duggan & Crotty Temple Hill Co.  
563 Temple Hill Road  
New Windsor, New York 12553

Scenic Properties LLC  
335 Temple Hill Road  
New Windsor, New York 12553

The Coca-Cola Bottling Co. of NY, Inc.  
C/O Coca Cola Enterprises  
Property Tax Department  
P.O. Box 723040  
Atlanta, Georgia 31139-0040

Caralex Realty  
315 Temple Hill Road  
New Windsor, New York 12553

Anthony Granuzzo  
DBA Gamma Realty  
Lincoln Road  
Putnam Valley, New York 10579

Crowley Foods, Inc.  
C/O Miller Environmental Group, Inc.  
538 Edwards Avenue  
Calverton, New York 11933

Senlar Associates  
P.O. Box 1104  
Newburgh, New York 12550

Norris H. Coleman  
Nine Beach Park N23 W28190  
Pewaukee, WI 53072-5130

CHKK Realty Company  
Gateway International Park  
P.O. Box 4083 Wembly Road  
New Windsor, New York 12553



ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

WILLIAM F. HELMER

TO  
H-Z DEVELOPMENT PARTNERS

SECTION 4 BLOCK 3 LOT 17.13

RECORD AND RETURN TO:  
(Name and Address)

H-Z DEVELOPMENT PARTNERS  
WEMBLY ROAD  
NEW WINDSOR NY 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 60402 DATE 9-28-92 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove \_\_\_\_\_  
CH22 Chester \_\_\_\_\_  
CO24 Cornwall \_\_\_\_\_  
CR26 Crawford \_\_\_\_\_  
DP28 Deerpark \_\_\_\_\_  
GO30 Goshen \_\_\_\_\_  
GR32 Greenville \_\_\_\_\_  
HA34 Hamptonburgh \_\_\_\_\_  
HI36 Highlands \_\_\_\_\_  
MK38 Minisink \_\_\_\_\_  
ME40 Monroe \_\_\_\_\_  
MY42 Montgomery \_\_\_\_\_  
MH44 Mount Hope \_\_\_\_\_  
NT46 Newburgh (T) \_\_\_\_\_  
NW48 New Windsor ☒  
TU50 Tuxedo \_\_\_\_\_  
WL52 Walkill \_\_\_\_\_  
WK54 Warwick \_\_\_\_\_  
WA56 Wawayanda \_\_\_\_\_  
WO58 Woodbury \_\_\_\_\_  
MN09 Middletown \_\_\_\_\_  
NC11 Newburgh \_\_\_\_\_  
PJ13 Port Jervis \_\_\_\_\_  
9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_ CHECK ☒ CASH ☐ CHARGE ☐

Exempt Yes ☐ No ☐

3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ Receipt

RECORD. FEE \$ 16.00

REPORT FORMS \$ 30

CERT. COPIES \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: C. Caporale

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on \_\_\_\_\_

at 4:13 O'clock PM

in Liber/Film 3674 Beer

at page 315 and examined.

Marion S. Murphy  
County Clerk

RECEIVED

Receipt  
REAL ESTATE  
SEP 29 1992  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3674 PAGE 315

ORC 09/29/92 04:13:25 46552 44.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 60402 .00 \*

\*\*\*\*\* SERIAL NUMBER: 001572 \*\*\*\*\*

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 28th day of September, nineteen hundred and ninety-two

BETWEEN William F. Helmer  
27 Central Drive  
Stony Point, New York

party of the first part, and

H-Z Development Partners, a New York general partnership with offices at  
Wendy Road  
New Windsor, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York and more particularly described on Schedule "A", annexed hereto.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBR 3674 PAGE 316


WILLIAM F. HELMER

By: *William F. Helmer*

## STATE OF NEW YORK, COUNTY OF ROCKLAND

On the 28th day of September 19 92, before me personally came WILLIAM F. HELMER

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

  
Notary Public

JAMES MILLSPAUGH  
Notary Public, State of New York  
No. 4929782  
Qualified in Orange County  
Commission Expires May 2, 1994

## STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

## STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

## STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

## Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

WILLIAM F. HELMER

TO

H-Z DEVELOPMENT PARTNERS

STANDARD FORM OF  
NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by  
Lawyers Title Insurance Corporation

SECTION 4

BLOCK 3

LOT 17.13

COUNTY OR TOWN New Windsor

RECORDED AT THE REQUEST OF

Lawyers Title Insurance Corporation  
RETURN BY MAIL TO

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3674 PAGE 317

**SCHEDULE A**

All that certain piece or parcel of land situate lying and being in the Town of New Windsor, County of Orange, State of New York

Known and designated as Lot #3 on a certain map entitled "Subdivision of Lands of William Helmer" dated January 20, 1989, revised February 8, 1989 and filed in the Orange County Clerk's Office on March 31, 1989 as Map #9418.

which said lot is bounded and described according to said map as follows:

**BEGINNING** a point on the Northerly line of Wembly Road at the line between said Lot 3 and Lot 2 as shown on said map;

running thence along said line, North 2 degrees 21 minutes 55 seconds West 793.57 feet to a point;

thence along the Southerly line of Wembly Road as shown on said map, North 87 degrees 38 minutes 05 seconds East 117.83ft. to a point;

thence along lands n/f Freedom Road Realty Association, South 27 degrees 37 minutes 31 seconds East 859.52ft. to a point on the Northerly line of Wembly Road, first mentioned;

thence along same the following two courses and distances:

1. South 85 degrees 59 minutes 30 seconds West 250.94ft. and
2. South 87 degrees 38 minutes 05 seconds West 238.05ft. to the point or place of beginning.

**THRIFT ABSTRACT**

12 ST. JOHN STREET

GOSHEN, NY 10924

(914) 294-2344

T-8514

LIBR 3674 MGE 318



Zoning District: PI Use A-2

Minimum Required	Proposed	Lot #1	Lot #2	Total
Lot Area: 80,000 S.F.	152,710 S.F.	88,461 S.F.	5,573 acres	
Lot Width: 130'	2.70'	141.44'		
Front Yard: 50'				
Side Yard: 50'/110'				
Rear Yard: 50'				
St. Frontage: 1/4"				
Blg Ht: 4' ft to Nearest lot line				
Floor Area Ratio: 0.2				
Liv. Fl. Area: N/A				
Devel. Cov.: N/A				

NOTE: LOT #2 REQUIRES A LOT WIDTH VARIANCE OF 8.56'

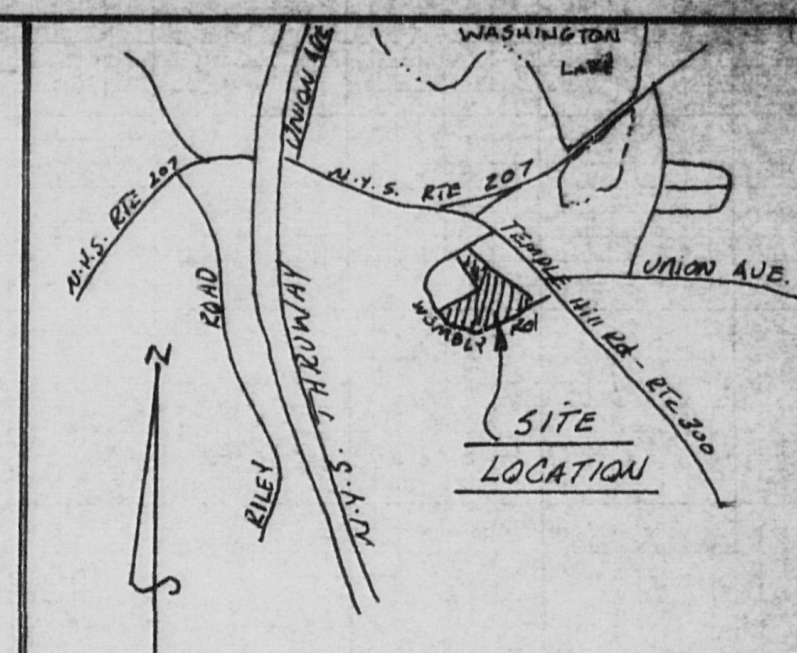
N/F Freedom Road Realty Assoc.

N/F COCA COLA BOTTLING CORP.

N/F SENLAR ASSOC.

N/F CHKK REALTY CO.

other lands of Helmer



LOCATION MAP  
SCALE: 1" = 200'

TAX MAP DATA:

SECTION: 4  
BLOCK: 3  
LOT: 17.1

DEED REFERENCE:

LIBER 2063, PAGE 525

MAP REFERENCES:

- SUBDIVISION OF LANDS OF HELMER - CONNELL CONSTRUCTION, INC.  
DATED: FEB. 17, 1982  
FILED: APRIL 26, 1982  
MAP # 5895
- UNITED PARCEL SERVICE & GATEWAY INTERNATIONAL PARK  
DATED JUNE 8, 1985  
MAP # 7175
- SUBDIVISION OF LANDS FOR GATEWAY INTERNATIONAL PARK  
DATED JAN. 26, 1987  
FILED JULY 1, 1988  
MAP # 8957

RECORD OWNERS & SUBDIVIDERS:

William Helmer  
GREY BEECH LANE  
PANAMA, N.Y. 10970

THE OWNER OF THIS DEVELOPMENT HAVE REVIEWED THIS MAP AND ARE IN CONCURRENCE WITH THE INFORMATION AND PROPOSALS SHOWN HEREON.

William Helmer  
WILLIAM HELMER

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES OF THIS MAP BEARING AN ORIGINAL SEAL OF THE SURVEYOR SHALL BE VALID.



Patrick T. Kennedy, L.S.	
219 QUASSACK AVE. • NEW WINDSOR • NEW YORK 12550	
SCALE 1" = 100'	APPROVED BY
DATE July 1, 1991	DRAWN BY
SUBDIVISION OF LANDS FOR WILLIAM HELMER	
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK	
DRAWING NUMBER 87-665E	

Note:

THE LOCATIONS OF WATER LINES HYDANTS VALVES AND SANITARY SEWER LINES HAVE BEEN PREVIOUSLY APPROVED ON FILED MAP # 8957.

To HZ Development Partners, Barclay Bank of New York, N.A. its successors and/or assigns, First American Title Insurance Co., William Helmer and the Town of New Windsor certified to be a correct & accurate survey based on an actual field survey by this office completed Jan. 20, 1986 updated July 1, 1991

DEC. 11, 1997

PLANNING BOARD APPROVAL BOX

LIC. NO. 49219